FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

Civil Application No. 1802/2005

Appeal Application No. Writ petition	District : of 200

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : Smt. V. A. Naik, J.
DATED : March 28, 2007.

Heard the learned counsel for the parties.

By this civil application, the applicant seeks condonation of delay of 136 days in filing the first appeal.

It is stated in the civil application that the applicant was ill with effect from 1/9/2004 to 31/1/2005 and, therefore, was unable to contact his counsel during the relevant time. It is further stated in the application that the applicant was not negligent in taking the steps for filing the appeal.

The non-applicant has filed reply to the civil application and has denied that the applicant was ill during the relevant period. It is further stated in the reply that the applicant was doing the agricultural work on his field at Masal, during the relevant time.

Though the facts stated in the civil application are controverted by the non-applicant/respondent, the medical certificate issued by the General Surgeon shows that the applicant was under the treatment of the surgeon with effect from 1/9/2004 to 31/1/2005 as he was suffering from Hepatitis.

For the reasons aforesaid, the civil application is allowed. Delay of 136 days in filing the first appeal is condoned. Civil Application is disposed of.

JUDGE

RMP